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Via ECF

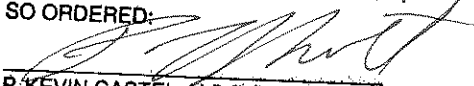
The Honorable P. Kevin Castel
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 11D
New York, New York 10007

Conference Adjourned

From: Feb 23, 2023

To: 5/5/23 at 11 a.m.

SO ORDERED:


P. KEVIN CASTEL, U.S.D.J.

Re: *Bryan Fletcher and Garrett Fletcher vs. Wang Aihua, et al.*, 2-16-23
Case No. 22-cv-9867 (PKC)

Dear Judge Castel:

Plaintiffs respectfully submit this letter motion for the above-captioned action pursuant to the Court's Individual Practices 1(C), the Court's Order and Notice of Initial Pretrial Conference dated November 23, 2022 (Dkt. 21) and the Court's Endorsed Letter Motion Granting an Adjournment dated January 13, 2023 (Dkt. 24). The adjourned Initial Pretrial Conference is scheduled for February 23, 2023 at 10:30 a.m.

1. Request for Adjournment of Initial Pretrial Conference

Pursuant to the Court's Individual Practices 1(C), Plaintiffs respectfully request that the Court again adjourn the Pretrial Conference, as well as the date for submission of the Case Management Plan for an additional sixty (60) days. Since Plaintiffs are still in the process of verifying contact information and have yet to formally effectuate service on all of the named Defendants, none have yet to appear. Therefore, a Civil Case Management Plan and Scheduling Order still cannot be completed jointly. Additionally, Plaintiffs are simultaneously submitting a request for an extension of time to serve Defendants pursuant to Fed. R. Civ. P. 6(b). Consent to this adjournment has neither been provided nor declined.

This is the second adjournment of the Initial Pretrial Conference sought by the Plaintiffs. The first adjournment sought by the Plaintiffs was previously granted by this Court.

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2. Case Description

In 2021, the Plaintiffs, Bryan Fletcher and Garrett Fletcher, created “Rainbow Friends” – an enormously popular and successful online video game experience which is available exclusively on the Roblox gaming platform. Upon its launch, it became an immediate global phenomenon. Rainbow Friends is actively played each day by gamers from 180 countries throughout the World. It has the distinction of being one of the fastest growing video games ever, reaching over one billion plays within months of the game going live. (Dkt. 1 ¶¶ 19-21). The case description is fully set forth in Plaintiffs’ Letter Motion for an Extension of Time dated January 12, 2023 (Dkt. 23).

Plaintiffs amended the Original Complaint pursuant to Fed. R. Civ. P 15(a) to include the Group 2 Defendants on January 19, 2023 (Dkt. 25). The Plaintiffs are in the process of effectuating service on the Group 2 Defendants whose 90-day period for service has not expired.

Since no Defendant has yet to appear, Plaintiffs are unable to assess the prospect of settlement with any or all of the Defendants.

The Court will be advised as soon as any Defendant appears.

Respectfully submitted,

Herbsman Hafer Weber & Frisch, LLP

By: /s/ Dorothy M. Weber

Dorothy M. Weber